

REMARKS

The Office Action of October 27, 2004 has been received and its contents carefully noted.

The present Amendment cancels claims 1 and 3. It also places claims 2, 4, 6-8, 10 and 12 in independent form, and corrects the dependencies of claims 2 and 5. In addition, the Amendment revises the claims where appropriate to further adapt them to U.S. practice. These revisions include transforming some of the paragraphs in the original claims to sub-paragraphs in order to clarify relationships between recitations, where appropriate.

Turning first to section 4 of the Office Action, claims 13 and 14 had been rejected under the first paragraph of 35 USC 112 on the ground that a critical element is missing. The Office Action refers to paragraph [0005] and [0006] of the application, and takes the position that the application discloses improving fuel economy by instructing a driver to shift a transmission upward but that this is missing from claims 13 and 14. The Office Action also takes the position that these claims appear to define systems which the present invention is intended to overcome – merely displaying the results of fuel economy calculations.

This ground of rejection is respectfully traversed. Paragraphs [0005] and [0006] of the present application appear in the “Summary of the Invention” section, which is indeed just a summary. The “Summary of the Invention” section of an application is intended to draw attention to major aspects of the invention, and not to identify or specify what is “critical” to the invention. The invention defined by claim 13 improves the precision of fuel economy calculations by permitting them to be corrected in accordance with the deterioration of an engine as it ages. An ordinarily skilled person would surely

recognize that improved precision in fuel economy computations is a desirable goal. As for claim 14, this claim makes it possible to understand the operating frequency at different operating points of an engine by displaying this information visually as a two-dimensional map. Such a display can provide useful information to a driver even without signaling the driver when it is time to shift.

In view of these considerations, it is respectfully submitted that the rejection in section 4 of the Office Action should be withdrawn.

Section 5 of the Office Action rejects claims 2-4, 6-11, 13, and 14 for non-enablement under the first paragraph of 35 USC 112. The Office Action takes the position that the claims include a detection device which detects the load on an engine and a fuel consumption ratio map showing the relationship of a fuel consumption ratio to the rotational speed and load of the engine, but these features are not disclosed. This ground of rejection is respectfully traversed for the reasons discussed below.

Paragraph [0106] of the present application notes that engine and transmission parameters include many parameters which are related or are mutually convertible. Paragraph [0107] continues by adding that the embodiments were described using the parameters “acceleration operation amount” and “engine torque” as the engine load, but other parameters such as the throttle opening or fuel injection pulse width could be used. Moreover, an accelerator operation amount sensor 22 and a fuel consumption map (Figure 3) which specifies the relationship between the engine rotational speed and the accelerator operation amount are disclosed in the specification and drawings. Even apart from these considerations, it must be remembered that the claims of an application as-filed constitute part of the disclosure. In view of the known relationships between engine

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parameters, it is respectfully submitted that specific examples provided by the specification and drawings of the present application would have enabled an ordinarily skilled person to practice the invention recited in the rejected claims without undue experimentation. Accordingly, the rejection in section 5 of the Office Action should be withdrawn.

Turning now to section 6 of the Office Action, claims 4, 5, 10, and 11 stand rejected for indefiniteness under the second paragraph of 35 USC 112. The Examiner is thanked for his courtesy in noting that support for the claim language of claims 4 and 5 is present in claim 2. Claims 4, 5, and 10 have been amended in view of the rejection, and it is respectfully submitted that they are now suitably definite under the second paragraph of 35 USC 112.

Section 8 of the Office Action rejects claim 1 for anticipation by U.S. patent 4,492,112 to Igarashi et al, and section 10 rejects claim 3 for obviousness on the basis of Igarashi et al in view of another reference. The present Amendment cancels both of these rejected claims.

Section 11 of the Office Action observes that claims 2 and 4-14 and distinguishable over the prior art. The present Amendment places claims 2, 6-8, 10, and 12 in independent form, so it is respectfully submitted that claims 2 and 4-14 are now in condition for allowance.

It is noted that this application has been amended to include 8 independent claims. Accordingly, an additional claim fee of \$1,000 is included in a remittance that is being submitted concurrently. Should this remittance be accidentally missing or insufficient,

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however, any fees that may be needed can be charged to our Deposit Account number 18-0002.

For the foregoing reasons, it is respectfully submitted that this application should be allowed. Reconsideration of the application is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Allen Wood". The signature is written in dark ink and is positioned above a horizontal line.

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